

Appl. No. 10/735,693  
Response dated: March 28, 2006  
Reply to OA of: October 31, 2005

### **REMARKS**

Applicants wish to thank Examiner Doung and SPE Seidlick for the courtesy of the telephone interviews in connection with the above identified application and for clarification of the outstanding issues in the Final Rejection.

Applicants are filing herewith an RCE to allow entry of the amendment to the inventorship to correct and align the inventorship with the claims now remaining in the application which are claims 21-25. No amendments have been made to the claims. However, inventor Yen-Chun Chen has been deleted from the inventors since the undersigned attorney has been advised by the Patent Attorney in Taiwan who instructs the undersigned attorney in the prosecution of this application.

More particularly, by letter of March 28, 2006, that , "Yen-Chun Chen is not an inventor of the elected Group II invention, claims 21-25. Therefore, it is most respectfully requested that inventor Yen0Chun Chen be deleted as an inventor of the presently claimed subject matter.

The correct inventors were named in the application as previously noted and the prosecution of the application resulted in the amendment and cancellation of claims so that less than all of the corrected named inventors are the actual inventors of the invention being claimed in the present application.

The present amendment is being made in accordance with 37 C.F.R. §1.48(b). The present amendment deletes the name of the person who have been determined not to be inventors of the invention now being claimed in the pending claims. The amendment of the inventorship has been diligently made. The required processing fee under 37 C.F.R. §1.17(I) is being submitted herewith.

Applicants have fully complied with the requirements of 37 C.F.R. §1.48(b) and most respectfully request that the inventorship be corrected on the face of the file and in the USPTO data base.

Applicants have made no amendments to the claims of the present application as it is respectfully asserted that all claims now present in the application are in full

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compliance with 35 U.S.C. 112 and are clearly patentable over the reference of record as applied in the outstanding rejection.

The Advisory Action states that claims 21-25 are rejected. However, the inventorship has now been amended to correct the inventorship in accordance with the presently claimed subject matter. Accordingly, the rejection of claims 21-25 under 35 U.S.C. 102(a) as being anticipated by Chen et al. has been carefully considered but is most respectfully traversed in view of the amendment to the inventorship.

The applied Chen et al reference was brought to the Examiner's attention in an Information Disclosure Statement file on July 20, 2004. At that time, Applicants submitted what is believed to be sufficient evidence to remove the printed article as a reference in accordance with MPEP 716.10. As noted therein, an uncontradicted unequivocal statement from the applicant regarding the subject matter disclosed in an article, patent or published application will be accepted as establishing inventorship. It is not seen where there is a requirement to show relevant portions of the reference as required in the outstanding Official Action. This requirement is traversed and it is request that the information and evidence or record be accepted and the rejection be withdrawn.

As previously noted, Applicants submitted a Declaration Under 37 CFR 1.132 indicating that Yen-Chun Chen who is not a co-author of the cited article entitled "High-Efficiency Red-Light Emission from Polyfluorenes Grafted with Cyclometalated Iridium Complexes and Charge Transport Moiety" published in J. AM. Chem. Soc. on December 18, 2002 but the undersigned attorney has now been advised that he is not a joint inventor of the invention presently claimed (claims 21-25) in the above identified application and made an inventive contribution to the claimed subject matter not now claimed in the application and executing the declaration under 37 CFR 1.63 filed in the above identified application.

Additionally, two of the co-authors of the above identified article published less than a year prior to the filing date of the present application, M.O. Ahmed and Hao-En

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Tseng made no inventive contribution to the claimed subject matter of the above identified application.

The inventorship of the claimed subject matter of this application is correct in that the subject article discloses subject matter derived from the applications rather than invented by co-authors Ahmed and Tseng.

Specifically, the 132 Declaration states that, while not a named author, Yen-Chun Chen is a joint inventor of the invention claimed and made an inventive contribution to the claimed subject matter. The 132 Declaration also states that co-authors M.O. Ahmed and Hao-En Tseng did not make an inventive contribution to the claimed subject matter of the claimed invention and are therefore not included as co-applicants in the present invention.

The Official Action urges that each and every limitation of the claimed invention is met by the Chen reference and that the 132 Declaration has been considered but it is insufficient because the invention was known by others such as Yen-Chun Chen. Applicants specifically traverse the statement in view of the present amendment to the inventorship. The statement in the 132 Declaration of record should be clarified and understood by the statement that Yen-Chun Chen, while not named as a co-author in the prior art reference of record, is a co-inventor of the non-claimed subject matter of the invention. Therefore, the invention was not know by others as asserted in the Official Action, but only by the inventors of the presently claimed invention. Therefore, Chen et al. clearly does not qualify as a prior art reference that can support a §102 rejection. Accordingly, Applicants respectfully request that this rejection be withdrawn.

It is believed that the outstanding Official Action also incorporates the statement that the signature of Yongmin Liang is absent in the 132 Declaration. Applicants specifically traverse this statement. Applicants simultaneously filed two copies of the 132 Declaration. The first copy of the 132 Declaration contains the signatures of inventors Show-An Chen, Xiwen Chen and Jin-Long Liao. The second copy of the 132 Declaration contains the signature of inventor Yongmin Liang. Applicants believe that a review of the file will reveal that all necessary signatures are present.

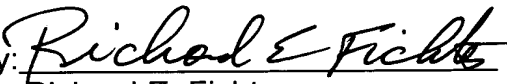
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Accordingly, Applicants respectfully assert that the 132 Declaration has been properly signed by all of the necessary parties and that the Chen et al. reference does not qualify as prior art under 35 U.S.C. 102(a) in view of the 132 Declaration. Applicants respectfully request that the rejection of claims 21-25 as being anticipated by Chen et al. be withdrawn in view of the amendments to the claims.

In view of the above comments, favorable reconsideration and allowance of all of the claims now present in the application are most respectfully requested.

Respectfully submitted,

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